

**CITYOF BOULDER
CITY COUNCIL PROCEEDINGS
January 17, 2012**

1. **CALL TO ORDER AND ROLL CALL**

Mayor Appelbaum called the regular January 17, 2012 City Council meeting to order at 6:00 p.m. in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Ageton, Becker, Cowles, Jones, Karakehian, Morzel, Plass and Wilson.

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE**

- 1) Amy Tremper – Holiday Project resident opposed to Boulder Housing Partners (BHP) Lee Hill Project.
- 2) Carla Selby – proposed making the City Atrium building a science museum.
- 3) Dan Frazier – opposed to jury trial denial proposal.
- 4) Seth Brigham - opposed to jury trial denial proposal.
- 5) William Marine – urged call-up of La’au’s Taco Shop.
- 6) Carolyn Bninski - opposed to jury trial denial proposal.
- 7) Kimmerjae Johnson - asked for support of the U.S. Pro-Cycling Challenge monument at the Ppro-Cycling Plaza.
- 8) Judd Golden – spoke to item 3C (ordinance regarding modification of general penalty provisions) noted that the ordinance needed much more analysis and direction.
- 9) David Harrision – Opposed to proposal to eliminate jury trials for minor offenses.
- 10) James Pribyl - supported the call-up of La’au’s Taco Shop on the hill noting that concerns regarding public safety, density of Liquor licenses and community opposition.
- 11) Peter Jentsch – Spoke to the “right” of the people” to be tried by a jury of their peers.
- 12) Randy Watson – Supported the housing first project but opposed the Lee Hill location.
- 13) Michael Fitzgerald - opposed to the jury trial denial as someone who was homeless and had gone through the court system for two tickets for camping.
- 14) Richard Demuth - spoke to numerous traffic infractions that he felt were an eminent threat to his well-being, in particular the number of cars that have unoit license plates.
- 15) Bill Hussey - Representing the North Boulder Alliance, submitted several questions for Council to consider when looking at the housing first proposal on Lee Hill.
- 16) George Bishop - concerned about the slippery slope created when removing the rights of a trial by jury.
- 17) Stacey Balcom - spoke to the Boulder Creek Festival and her intent to sue regarding her right of ownership from when she ran the Freedom Festival and lead the campaign to save the Band Shell.
- 18) Michael Barrow - representing the Boulder Mountain Bike Alliance, indicated they were looking forward to a great 2012 and the opportunity to re-engage with the Open Space Department. They offered expertise of both trail designing and builders.

- 19) Andria Bilich - as a member of the Transportation Advisory Board, stressed the importance around funding for maintenance costs.
- 20) Kevin Hotaling - spoke in support of the E.go car share program which would provide environmental, social and economic sustainability.
- 21) Cleff Smedley - as a member of Occupy Boulder spoke in opposition to the proposed denial of jury trials for minor offenses indicating he feared it was a knee-jerk reaction to the Occupy Boulder movement.

There being no further speakers open comment was closed.

City Manager response - 6:55 p.m.:

City Manager Brautigam indicated that unlit license plates were a low priority for the police department given its current workload.

City Attorney response:

City Attorney Tom Carr responded to the ACLU letter noting it contained several items which his department would review.

City Council response:

Council Member Cowles expressed concern relating to the decorum of public during open comment and indicated that he would raise the issue during Matters later in the evening. Council Member Morzel asked staff to reply to the questions from Mr. Hussey.

3. **CONSENT AGENDA:** (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll call vote required.) – 7:00 p.m.

- A. **CONSIDERATION OF A MOTION TO ACCEPT THE DECEMBER 13, 2011 CITY COUNCIL STUDY SESSION SUMMARY REGARDING HOUSING FIRST AND RELATED ISSUES.**
- B. **CONSIDERATION OF A MOTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE QUIT CLAIM DEEDS FOR THE TRANSFER OF TWO CITY-OWNED PARCELS TO THE COLORADO DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION RIGHT OF WAY PURPOSES GENERALLY LOCATED ON ARAPAHOE AVENUE BETWEEN 63RD AND 66TH STREETS.**
- C. **INTRODUCTION, FIRST READING, AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 7831 AMENDING TITLES 4, 5, 6, 8 AND 10, B.R.C. 1981, TO MODIFY THE GENERAL PENALTY PROVISIONS IN THE BOULDER REVISED CODE.**
- D. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 7832 AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, REGARDING STANDARDS FOR CONGREGATE CARE FACILITIES.**
- E. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 7833 AMENDING TITLE 9, "LAND**

USE CODE," B.R.C. 1981, SECTION 9-2-14, "SITE REVIEW," B.R.C. 1981 TO REFLECT RECENT CHANGES TO THE BOULDER VALLEY COMPREHENSIVE PLAN (BVCP).

- F. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY EMERGENCY ORDINANCE NO. 7834 ESTABLISHING A MORATORIUM ON APPLICATIONS FOR NEW MEDICAL MARIJUANA BUSINESS LICENSES, ON APPLICATIONS FOR EXPANSION OR AMENDMENT OF EXISTING MEDICAL MARIJUANA BUSINESS LICENSES, ON APPLICATIONS FOR THE TRANSFER OF MEDICAL MARIJUANA BUSINESS LICENSES, AND ON APPLICATIONS FOR NEW MEDICAL MARIJUANA BUSINESS OWNERS OR FINANCIERS THROUGH AUGUST 9, 2012, AND SETTING A FEE FOR APPLICATIONS TO CHANGE OR ADD BUSINESS MANAGERS, AND SETTING FORTH RELATED DETAILS.**
- G. THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7824 AMENDING TITLE 7, B.R.C. 1981, CONCERNING REGULATION OF VEHICLES AND TRAFFIC AND PARKING INFRACTIONS.**
- H. CONSIDERATION OF MOTION TO SUSPEND THE RULES IN ORDER TO ALLOW AGENDA ITEM 6A TO BE PRESENTED BEFORE THE PUBLIC HEARINGS.**

Council Member Plass moved, seconded by Council Member Morzel to approve consent agenda items 3A through 3H. The motion carried, 9:0.

- 4. POTENTIAL CALL- UP CHECK IN:** Opportunity for Council to indicate possible interest in the call- up of an item listed under agenda Item 8-A1.

Council Member Wilson indicated interest in calling up the Use Review for La'au's Taco Shop.

ORDER OF BUSINESS

6A. ECONOMIC UPDATE - 7:14 P.M.

This update was provided to Council by Chief Finance Officer Bob Eichem.

5. PUBLIC HEARINGS:

- A. CONSIDERATION OF A MOTION TO ACCEPT THE 2012 BOULDER RESERVOIR MASTER PLAN. 7:36 P.M.**

This item is presented by Kirk Kincannon, Director of the Parks and Recreation department, Bob Yates, Chairman of the Parks and Recreation Board and Bill DeOreo, chair of the Water Resources Board. After Council questions were addressed, the public hearing was opened:

- 1. Tony Gannaway - representing Valhalla neighborhood expressed concerns that the reservoir is becoming a special event venue. It is like having a Boulder Bolder in your neighborhood every weekend of the summer.

2. Kelly Sinatale - also spoken of the impacts to the neighborhood. Wanted reasonable number of events with minimal impacts.
3. Neil Anderson – Also a Valhalla resident, seconded the comments of the previous speakers, especially the potential impacts to the area from the use of the reservoir. He requested a finite number of reasonable events, managed effectively to mitigate potential negative environmental impacts.
4. John Barberis expressed the need for better traffic mitigation for all events.
5. Gretchen Nordham - as a 24 year resident noted the impact to the natural habitat which had been decreasing over the years with the increased number of events.
6. Stan Arnold - spoke to safety issues for the reservoir and surrounding properties, as there was limited ingress and egress, which affects emergency response time. This could create life-threatening emergencies.
7. Jennifer Arnold - 29 year resident of Valhalla also spoke to safety concerns, sharing two separate incidents where she'd personally experienced near catastrophic results from lack of egress.
8. Bill Hollander - Summarized what efforts were being made and expressed appreciation, but nevertheless, traffic, noise, access issues etc. still continue. He asked that the city make every effort to lessen the burden on the neighborhood.

Council Member Plass moved, seconded by Council Member Wilson, to accept the Boulder Reservoir Master Plan with the parks and recreation advisory board and modification. The motion carried 8:1, Council Member Cowles opposed. Vote taken at 9:26 p.m.

B. CONSIDERATION OF A MOTION TO ADOPT PROPOSED AMENDMENTS TO THE TRANSIT VILLAGE AREA PLAN (TVAP) CONNECTIONS PLAN AND STREET SECTION DRAWINGS FOR PEARL PARKWAY AND JUNCTION PLACE. - 9:30 P.M.

This item was presented by Sam Assefa, Senior Urban Designer and Bill Cown, Traffic Operation Engineer. After the presentation and questions from Council the public hearing was opened:

1. Fred Ecks - concerned that the plan eliminates bike lanes.
2. Sue Prant - community cycles also shared the concern about the amount of space utilized by automobiles and asked Council to restore bike lanes.

Council Member Ageton moved seconded by Council Member Wilson, to suspend the rules to continue the meeting at 10:35 p.m.. The motion carried 8:1, with Council Member Karakehian opposed.

Council Member Cowles moved, seconded by Council Member Morzel, to adopt proposed amendments to the transit Village area Plan (TVAP) as follows:

1. Add new Boulevard cross-section for the segment of Pearl Parkway between 30th St and the tracks.
2. Amend the current cross-sections and segment designations for Junction Place shown on pages 36 to 37 of the TVAP (see attachment B) as follows:
 - a. Change the north limit for Segment 1 to be the north side of the RTD bus ramp (future Spruce St. alignment), and reference the left turn lane required in the intersection with Pearl Parkway.

- b. Add a new cross-section for Segment 2, and modify this segment's limits to North side of the RTD bus ramp (future Spruce St. alignment) to the Goose Creek Bridge. Eliminate on-street parking in the newly revised Segment 2.
 - c. Change limits of Segment 3 to be the segment from the Goose Creek Bridge to Bluff, and reference allowable alternate parking configuration along the east side, as well as alternate sidewalk widths for both sides between Goose Creek Bridge and Carbon Place.
 3. Amend the current designation for Segment 30 of Junction Place in the TVAP Connections Plan for the portion on the west edge of the 3100 Pearl property, to be an alley designation rather than a local street, as approved in Site Review for 3100 Pearl Street.

The motion carried 9:0 at 10:45 p.m.

6. **MATTERS FROM THE CITY MANAGER:**

A. **Economic Update**

This item was taken up at the beginning of the meeting.

7. **MATTERS FROM THE CITY ATTORNEY:** None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:** 10:48 p.m.

A. **POTENTIAL CALL-UPS:**

1. **PLANNING BOARD USE REVIEW PROPOSAL NO. LUR2011-00057 FOR THE EXISTING LA'AU'S TACO SHOP LOCATED AT 1335 BROADWAY TO EXTEND THEIR HOURS OF OPERATION FROM 1 P.M. CLOSING TIME TO 2:30 A.M. CLOSING TIME, SEVEN DAYS A WEEK. APPROVED (4-2; YOUNG AND SHOEMAKER OPPOSED)**

Council Member Wilson moved, seconded by Council Member Becker, to call-up the Use Review #LUR2011-00057 for existing La'au's Taco Shop located at 1335 Broadway.

2. **LANDMARK ALTERATION CERTIFICATE TO CONSTRUCT APPROXIMATELY 230 SQ. FT. IN ADDITIONS TO THE MAIN HOUSE, TO REPLACE NON-HISTORIC WINDOWS ON THE HOUSE, INSTALL A NEW WINDOW OPENING ON THE WEST SIDE, INSTALL A NEW SKYLIGHT ON THE EAST SIDE OF THE BUILDING, AND CONSTRUCT A 15'x30' POOL AND 392 SQ. FT. POOL HOUSE, AT 933 MAPLETON AVENUE IN THE MAPLETON HILL HISTORIC DISTRICT PER SECTION 9-11-18 OF THE BOULDER REVISED CODE (HIS2011-00218). APPROVED (4-0, L. PODMAJERSKY ABSENT)**

No action was taken on this item.

3. **LANDMARK ALTERATION CERTIFICATE TO CONSTRUCT A ONE-STORY, TWO-CAR GARAGE AT 707 MAXWELL AVENUE IN THE MAPLETON HILL HISTORIC**

**DISTRICT PER SECTION 9-11-18 OF THE BOULDER REVISED CODE, 1981
(HIS2011-00236). APPROVED (3-1, K. NORDBACK OPPOSED, L.
PODMAJERSKY ABSENT)**

No action was taken on this item.

Council Member Morzel moved, seconded by Mayor Appelbaum, to suspend the rules to continue the meeting at 11:03 p.m. The motion carried, 9:0.

Council Member Cowles moved, seconded by Council Member Wilson, to ban Seth Brigham from any council meetings for a period of six months.

After council discussion, Council Member Wilson withdrew his second to the motion died for lack of a second.

Council Members indicated support for issuing a written warning to an individual prior to banning them from attendance. The City Attorney was directed to issue a letter of warning to Mr. Brigham.

9. **PUBLIC COMMENT ON MATTERS:** (15 min.) Public comment on any motions made under Matters.

1. Joseph Coleman – owner of La'au's Taco Shop spoke to the desire to create a chain of La'au's and to build a brand not just a bar.

10. **FINAL DECISIONS ON MATTERS:** Action on motions made under Matters.

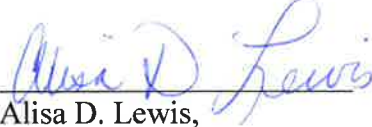
Vote was taken on the motion to call-up the Use Review #LUR2011-00057 for existing La'au's Taco Shop located at 1335 Broadway. The motion carried, 9:0 at 11:15 p.m.

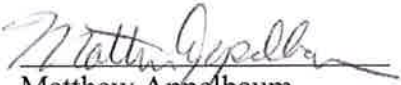
11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 11:15 P.M.

APPROVED BY:

ATTEST:


Alisa D. Lewis,
City Clerk


Matthew Appelbaum,
Mayor